



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 21, 1995

Mr. Miles K. Risley
Assistant City Attorney
Legal Department
City of Victoria
P.O. Box 1758
Victoria, Texas 77902-1758

OR95-140

Dear Mr. Risley:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 32047.

The City of Victoria (the "city") received an open records request for a compilation of the

[d]ate, nature of complaint and/or charge, name of complainant and/or disposition of complaint and/or charge, of any and all citizen complaints made against Walter Landrum, if any, during the period Aug. 9, 1982 - Jan. 8, 1991, inclusive.

You have submitted to this office for review a one-page record containing the requested information. You contend that this record may be withheld from the public pursuant to section 552.103 of the Government Code.

To secure the protection of section 552.103(a), a governmental body must demonstrate that requested information "relates" to a pending or reasonably anticipated judicial or quasi-judicial proceeding. Open Records Decision No. 551 (1990). In this instance you have made the requisite showing that the requested information directly relates to pending litigation for purposes of section 552.103(a). The city may therefore withhold this record at this time.

In reaching this conclusion, however, we assume that the opposing party to the litigation has not previously had access to the record at issue; absent special circumstances, once information has been obtained by all parties to the litigation, for example, through discovery or otherwise, no section 552.103(a) interest exists with respect to that information. Open Records Decision Nos. 349, 320 (1982). If the opposing party in the litigation had seen or had access to any of the information in this record, there would be no justification for now withholding that information from the requestor pursuant to section 552.103(a). We also note that the applicability of section 552.103(a) ends once the litigation has been concluded. Attorney General Opinion MW-575 (1982); Open Records Decision No. 350 (1982).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Open Government Section

LRD/RWP/rho

Ref.: ID# 32047

Enclosure: Submitted document

cc: Mr. Gerard R. Farrell
Staff Writer
The Victoria Advocate
P.O. Box 1518
Victoria, Texas 77902
(w/o enclosure)